

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 20-CR-242

SCOTT CHARMOLI,

Defendant.

Joint Stipulations

The United States of America, by and through its attorneys, Richard G. Frohling, United States Attorney, and Julie F. Stewart and Michael A. Carter, Assistant United States Attorneys, and the Defendant, Scott Charmoli, by and through his counsel, Jonas Bednarek, hereby agree and stipulate to the following:

1) If a representative of Delta Dental were called to testify, he or she would testify that all of the documents produced by Delta Dental, including but not limited to, the following documents are the business records of Delta Dental, which were made at or near the time by individuals with knowledge and which were made and kept in the regular course of Delta Dental's business. The parties stipulate and agree that these exhibits can be admitted at the trial in this case.

Exhibit #	Description
10	Delta Dental Provider Application for Dr. Scott Charmoli dated 3/12/15
11	Delta Dental Provider Agreement with Dr. Scott Charmoli dated 11/20/17
12	Delta Dental Dentist Handbook effective 1/1/16
13	Delta Dental Dentist Handbook effective 1/1/17
14	Delta Dental Dentist Handbook effective 1/1/18
15	Delta Dental Dentist Handbook effective 1/1/19
16	Delta Dental Claim Data for Erin Siemandel #1-9170-424-30

17	Delta Dental Claim Data for Brian Heckendorf #1-9030-310-53
18	Delta Dental Claim Data for Catherine Kuche #1-7320-382-49
19	Delta Dental Claim Data for Catherine Kuche #1-8060-399-28
20	Delta Dental Claim Data for Todd Tedeschi #1-6044-303-03
21	Delta Dental Claim Data for Todd Tedeschi #1-9051-325-35
22	Delta Dental Claim Data for Sharon Bruss #1-9051-325-63
23	Delta Dental Claim Data for Lauren Thomann #1-9116-434-41
24	Delta Dental Claim Data for Colleen Kumrow #1-8072-313-70
25	Delta Dental Claim Data for Colleen Kumrow #1-8170-321-22
26	Delta Dental Claim Data for Craig Martin #1-7124-368-57
27	Delta Dental Claims Data for Scott Charmoli from 1/1/2016 through 6/28/2018
28	Delta Dental Claims Data for Scott Charmoli from 1/1/19 through 10/23/19
29	Delta Dental Analysis of Crowns per 100 patient percentiles for 2016 through 2019

2) If a representative from Jackson Family Dentistry (JFD) were called to testify, he or she would testify that it was the regular practice of JFD to make and keep records of patient visits and patient dental-care information both in paper and electronic format. The representative would testify that these records were made at the time of the patient's visit by the dental professionals who saw the patients and that it was the regular practice of JFD to keep these records as part of their regularly conducted activities. The representative would further testify that it was the regular practice of JFD to make and keep records of patient appointments, treatments, and payments. The representative would testify that all of the patient records produced in this case, including but not limited to, the following exhibits are the described business records of JFD. The parties stipulate and agree that these exhibits, and any excerpts therefrom, can be admitted at the trial in this case.

Exhibit #	Description
1A-1AF	Patient Record of Charlene Dieball
2A-2AA	Patient Record of Brian Heckendorf
3A-3K	Patient Record of Erin Siemandel
4A-4T	Patient Record of Todd Tedeschi
5A-5U	Patient Record of Cathy Kuche
6A-6O	Patient Record of Lauren Thomann
7A-7U	Patient Record of Sharon Bruss
8A-8AN	Patient Record of Colleen Kumro

9A-9J	Patient Record of Craig Martin
39	Excel Spreadsheet showing crowns performed by Dr. Charmoli from January 1, 2016 to August 2019.

3) If a representative from Bank Five Nine were to testify, they would testify that documents bates stamped BANK 5 NINE_000001-000096 are business records of Bank Five Nine that were made at or near the time by individuals with knowledge and which were made and kept in the regular course of Bank Five Nine's business. The parties reserve the right to object to the admissibility of these documents based on evidentiary rules other than hearsay, such as relevance.

4) If a representative of United Healthcare were called to testify, he or she would testify that the document produced by United Healthcare, including but not limited to, the following documents are the business records of United Healthcare, which were made at or near the time by individuals with knowledge and which were made and kept in the regular course of United Healthcare's business. The parties stipulate and agree that these exhibits can be admitted at the trial in this case.

Exhibit #	Description
30	United Healthcare Claim Data with Electronic Attachment for Charlene Dieball #1910268843400
31	United Healthcare Provider EOB for Charlene Dieball #191026843400
32	Appeal Submission from Jackson Family Dentistry for Charlene Dieball #191026843400
33	United Healthcare Provider EOB for Charlene Dieball dated 6/22/19
34	United Healthcare Claim Data with Electronic Attachment for Charlene Dieball #191156730000
35	United Healthcare Provider EOB for Charlene Dieball #19115673000
36	Appeal Submission from Jackson Family Dentistry for Charlene Dieball #19115673000
37	United Healthcare Letter to Charlene Dieball dated 7/25/19 re Appeal of #19115673000
38	United Healthcare EOB for Charlene Dieball dated 7/26/19

40	United Healthcare EOB denying duplicate claim submission for Tooth 30 dated 7/27/19
41	United Healthcare EOB denying duplicate claim submission for Tooth 30 dated 9/2/19
42	United Healthcare EOB denying duplicate claim submission for Tooth 3
1034	Supplemental Submission dated 7/3/2019 for payment for crown on Tooth 3 for Charlene Dieball
1035	Supplemental Appeal submission for Tooth 30 for Charlene Dieball
1036	Second Supplemental Appeal submission for Tooth 30 for Chalene Dieball

5) The parties stipulate and agree that Delta Dental paid the following amounts for the following claims for crown procedures performed by Dr. Scott Charmoli:

Patient	Date of Service	Tooth	Amount Submitted	Amount Paid
Brian Heckendorf	1/28/19	12	\$1,265.00	\$423.00
Erin Siemandel	6/17/19	3	\$1,265.00	\$592.20
Todd Tedeschi	2/11/19	6	\$1,265.00	\$423.00
Todd Tedeschi	2/11/19	7	\$1,265.00	\$366.00
Catherine Kuche	2/27/2018	15	\$1,265.00	\$702.40
Catherine Kuche	2/27/18	20	\$1,265.00	\$728.00

6) The parties stipulate and agree that United Healthcare paid the following amounts for the following claims for crown procedures performed by Dr. Charmoli:

Patient	Date of Service	Tooth	Amount Submitted	Amount Paid
Charlene Dieball	4/1/19	30	\$1,265	\$501

7) The parties stipulate and agree that Delta Dental, United Healthcare, and Optum are each a “health care benefit program” within the meaning of 18 U.S.C. § 24.

Dated at Milwaukee, Wisconsin, this 2nd day of March, 2022.

For the United States:

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